

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2738/16

An Bord Pleanála Reference Number: PL 29S.246870

APPEAL by Maan Alyan care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 15th day of June, 2016 by Dun Laoghaire-Rathdown, County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention and completion comprising (a) the demolition of original two-storey return and single storey annex to the rear of the property (circa 63.6 square metres demolished in total) and (b) the construction of a part single and part two-storey extension to the rear of the property (circa 118.2 square metres) together with boundary treatment and landscaping works, all on lands at 312 South Circular Road, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dublin City Development Plan 2011 – 2017 including the site's location within an area zoned 'Z2' which seeks to "protect and/or improve the amenities of residential conservation areas", to the pattern of development in the area and to nature and extent of the development to be retained and completed, it is considered that, subject to compliance with the conditions set out below, the proposed development, due in part to its end of terrace location adjacent to a public laneway, would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would not set an undesirable precedent for other similar developments in the area. The proposed development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the extension to be retained would not prejudice permeability and access to the Council lands in a material way and considered that the matters arising were principally issues relating to Section 34(13) of the Act. In respect of impacts on adjoining properties, the Board concurred that the extension to be completed and retained was substantially larger than the previous onsite structures (approximately double the floor area by the Board's calculations) but did not consider that the additional impacts on neighbouring properties were so serious as to warrant a refusal having regard to the pattern of development in the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The west facing window to the first floor rear bedroom shall be relocated to the northern elevation of the extension.

A revised drawing showing compliance with the above amendment shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order and the works carried out within six months of the date of this order.

Reason: In the interest of visual and residential amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting

development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.